

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28212 of 2018

1.Ramkumar
2.V.Mahendran
3.Alanthammal

... Petitioners

Vs.

State, represented by
The Inspector of Police,
All Women Police Station (Central),
Gandhipuram, Coimbatore.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent not to harass the petitioners in connection with C.S.R.No.178 of 2018 on the file of the respondent police.

For Petitioners : Mr.Udaya P.S.Menon
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police not to harass the petitioners under the guise of enquiry.

2.Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the respondent.

3.The learned Counsel appearing for the petitioners submits that the respondent police harassed the petitioners under the guise of enquiry.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that on the complaint given by the defacto complainant against the petitioners, petition enquiry is pending in CSR No.178 of 2018 on the file of the respondent police

5.The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the

petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in Lalitha Kumari Vs. Government of Uttar Pradesh reported in 2013 (6) CTC 353 has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, respondent is free to register an FIR and this order shall not be a shield for the petitioners against the respondent proceeding to take action in accordance with law.

6. With the above directions, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

lpp/vsa

To

1. The Inspector of Police,
All Women Police Station (Central),
Gandhipuram, Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Vijayakumar, Advocate, S.R.No.83161

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GSP(14/12/2018)

सत्यमेव जयते

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